

## *Joint Standing Committee on Natural Resources*

**LD 141**

### **An Act To Ensure Proper Disposal of Debris and Protection of the Environment**

**PUBLIC 617  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-573
TWOMEY	OTP-AM MIN	

LD 141, which was carried over from the First Regular Session, proposed to ban the disposal in a landfill or in an incineration facility of debris resulting from construction, remodeling, repair and demolition of structures unless the structure from which the debris originated is or was located in this State.

**Committee Amendment "A" (S-508)** proposed to replace the bill. The amendment proposed to limit, beginning January 1, 2007, the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. Committee Amendment "A" was not adopted.

**Committee Amendment "B" (S-509)** proposed to replace the bill. The amendment proposed to establish moratoria on licenses to combust wood from construction and demolition debris and on licenses to process construction and demolition debris. Committee Amendment "B" was not adopted.

**Committee Amendment "C" (S-573)**, the majority report, proposed to replace the bill. The amendment proposed to add an emergency preamble and clause. The amendment proposed to limit the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. The amendment also proposed to require the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. The amendment proposed to require the Department of Environmental Protection to evaluate the feasibility of requiring best available control technology, source separation and state-of-the-art processing of construction and demolition debris and to evaluate the effects of allowing more than 50% of construction and demolition debris wood fuel to be combusted on an average annual basis. The amendment also proposed to require the department to submit reports and proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the reports.

**Committee Amendment "D" (S-574)**, the minority report, proposed to replace the bill. The amendment proposed to establish moratoria on licenses to combust wood from construction and demolition debris and on licenses to process construction and demolition debris. Committee Amendment "D" was not adopted.

#### ***Enacted law summary***

Public Law 2005, chapter 617 limits the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. It also requires the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. It requires the Department of Environmental Protection to evaluate the feasibility of requiring best available control technology, source separation and state-of-the-art processing of construction and demolition debris. It requires the department to evaluate the effects of allowing more than 50% of construction and demolition debris wood fuel to be combusted on an average annual basis. It also requires the department to submit reports and authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the reports.

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Public Law 2005, chapter 617 was enacted as an emergency measure effective May 2, 2006.

**LD 518**                      **An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians**                      **ONTP**

<u>Sponsor(s)</u> DUPLESSIE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 518, which was carried over from the First Regular Session, proposed to amend the licensing, training and insurance requirements for contractors who engage in renovation or remodeling work that involves lead-based paint.

**LD 852**                      **Resolve, To Require the Department of Environmental Protection to Undertake Phosphorus Control in Toothaker Pond in Phillips**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SAVIELLO WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-192
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LD 852, which was carried over from the First Regular Session, proposed to direct the Department of Environmental Protection to clean up Toothaker Pond in Phillips.

**Committee Amendment "A" (H-192)** proposed to direct the Department of Environmental Protection to undertake phosphorus control in Toothaker Pond in Phillips and proposed to appropriate \$50,000 for that purpose.

LD 852 died on adjournment.

**LD 1058**                      **An Act To Regulate the Use of Batteries Containing Mercury**                      **PUBLIC 509**

<u>Sponsor(s)</u> COWGER TWOMEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-483
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LD 1058, which was carried over from the First Regular Session, proposed to ban, after January 1, 2007, the sale in this State of novelties that contain batteries that contain mercury, such as light-up games, cards and adornments. In addition, this bill proposed to ban the disposal, after January 1, 2007, of button cell batteries in landfills and incinerators and to require that such batteries be packaged with information regarding proper disposal.

**Committee Amendment "A" (S-483)** proposed to replace the bill. The amendment would ban the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button

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cell batteries. It also would direct the Department of Environmental Protection to report, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

### ***Enacted law summary***

Public Law 2005, chapter 509 bans the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button cell batteries. It also directs the Department of Environmental Protection to report, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

**LD 1327**

**An Act To Prohibit the Use of Mercury Fillings**

**ONTP**

Sponsor(s)  
MARTIN

Committee Report  
ONTP

Amendments Adopted

LD 1327, which was carried over from the First Regular Session, proposed to require the elimination of mercury in dental offices over a 3-year period. The bill also proposed to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. The bill also proposed to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings.

**LD 1338**

**Resolve, To Require the Reporting of Mercury Amalgam Supplied to Dentists**

**RESOLVE 143**

Sponsor(s)  
DAMON

Committee Report  
OTP-AM    A  
OTP-AM    B  
ONTP       C

Amendments Adopted  
S-477

LD 1338, which was carried over from the First Regular Session, proposed to require the elimination of mercury in dental offices over a 3-year period. The bill also proposed to require dental schools to include in their curricula by January 2006 the risks of exposure to mercury. It also proposed to require a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings. It also proposed to require the Department of Environmental Protection to develop an education, outreach and assistance program for dentists and to require dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources. It also proposed to require the Department of Environmental Protection to establish rules for dental offices to limit mercury releases and to establish a penalty in the amount of not less than \$10,000 nor more than \$100,000 for a violation. It also proposed to require the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

**Committee Amendment "A" (S-477)**, the majority report, proposed to replace the bill with a resolve. The amendment proposed to require any person that supplies mercury amalgam to dentists in Maine to report to the Department of Environmental Protection for 3 years the volume of amalgam supplied. The amendment also

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proposed to require the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

**Committee Amendment "B" (S-478)**, a minority report, proposed to ban the use of mercury fillings in children under 6 years of age and pregnant women beginning in 2007 and in all individuals beginning in 2008. Committee Amendment "B" was not adopted

### *Enacted law summary*

Resolve 2005, chapter 143 requires any person that supplies mercury amalgam to dentists in Maine to report to the Department of Environmental Protection the volume of amalgam supplied. The reports must be submitted annually for 3 years. It also requires the department, in consultation with the Board of Dental Examiners, to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

**LD 1535**

### **An Act Making Improvements to the Laws Regarding Local Land Use Ordinances**

**PUBLIC 597**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM A	H-832
BROMLEY	OTP-AM B	
	ONTP C	

LD 1535, which was carried over from the First Regular Session, proposed to broaden and update the findings and purposes sections of the planning and land use control law to explicitly recognize that planning and land use regulation is a shared responsibility of State Government and local government. The bill also proposed to make changes in definitions of relevant terms and to rewrite the laws on rate of growth ordinances and clarify when rate of growth ordinances are allowed.

**Committee Amendment "A" (H-832)**, the majority report, proposed to authorize a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years and sets the number of permits allowed for affordable housing. It also proposed to require the number of permits allowed to be recalculated every 3 years and to make the law effective July 1, 2007.

**Committee Amendment "B" (H-833)**, a minority report of the committee, proposed to authorize a municipality to enact one rate of growth ordinance in a 10-year period. It also proposed that the ordinance could not be for a term of more than 3 years and could not be extended. It also proposed that a municipality that has a rate of growth ordinance in effect on the effective date of this Act would not be required to wait 7 years before adopting another ordinance but could enforce the municipality's ordinance for up to 3 years after the effective date of this Act. The amendment also proposed to designate an effective date of July 1, 2007. Committee Amendment "B" was not adopted.

**House Amendment "A" (H-966)** proposed to strike the application section of the bill. House Amendment "A" was not adopted.

### *Enacted law summary*

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Public Law 2005, chapter 597 authorizes a municipality to enact a rate of growth ordinance if the ordinance is consistent with a comprehensive plan, sets the number of permits allowed under the ordinance at a minimum of 105% of the mean number of permits issued during the prior 10 years, sets the number of permits allowed for affordable housing and requires the number of permits allowed to be recalculated every 3 years. It also makes changes in definitions of relevant terms.

Public Law 2005, chapter 597 is effective July 1, 2007.

<b>LD 1578</b>	<b>An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	ONTP MAJ	
TWOMEY	OTP-AM MIN	

LD 1578, which was carried over from the First Regular Session, proposed that a community that hosts a waste-to-energy facility may adopt its own reasonable rules on the transportation of solid waste, municipal solid waste, special waste and refuse-derived fuel through that community. It also proposed that an agreement between an incineration facility and a community must include certain provisions to protect that community.

**Committee Amendment "A" (S-507)**, the minority report of the committee, proposed to retain the section of the bill that defines host community. It would require a commercial solid waste disposal facility to have in place a host community agreement throughout the period of operation of the facility unless the Commissioner of Environmental Protection determines that the facility is negotiating in good faith to formulate an agreement with the host community. Committee Amendment "A" was not adopted.

<b>LD 1592</b>	<b>An Act Regarding Disposal of Dredged Materials</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

LD 1592, which was carried over from the First Regular Session, proposed to remove the exemption from current law that exempts holders of a permit issued under the United States Clean Water Act, Public Law 92-500, Section 404 from obtaining a waste discharge license for the disposal of dredged materials into waters of the State. It also proposed to require coastal municipalities to develop a plan for the disposal of dredge spoils.

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**LD 1669**

**Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD SCHNEIDER	ONTP	

LD 1669, which was carried over from the First Regular Session, proposed to require the operator of the West Old Town Landfill to enter into a host community agreement with the City of Old Town on terms and conditions that were at least as favorable to the City of Old Town as the terms and conditions of the host community benefits described or detailed in the documents in the operator's bid in response to the request for proposals. The host community agreement would include provisions for a payment in lieu of taxes.

**LD 1768**

**An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping**

**PUBLIC 491**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DUCHESNE	OTP-AM MAJ ONTP MIN	S-462

LD 1768 proposed to require aboveground motor fuel storage tanks that have underground piping to be registered with the Department of Environmental Protection, assessed an annual \$35 registration fee and inspected annually in the same manner as is currently required for underground oil storage tanks. The bill also proposed to require that, beginning January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 meet the same leak detection requirements that apply to piping installed after that date.

**Committee Amendment "A" (S-462)**, the majority report of the committee, proposed to delay until 2009 the effective date of the bill's requirements for tanks and piping at facilities that are used to store diesel fuel. The amendment also proposed to give the Commissioner of Environmental Protection the authority to approve the use of leak detection methods for underground piping at aboveground oil storage facilities even though the approved method may differ from that required under the board rules for underground oil storage facilities.

### ***Enacted law summary***

Public Law 2005, chapter 491 provides that aboveground storage tanks that have underground piping that store motor fuel must:

1. By January 1, 2007 register the facility with the commissioner, and be subject to an annual \$35 registration fee.
2. By July 1, 2007 and annually thereafter ensure that the underground piping is inspected by a state certified inspector or installer.
3. Prior to sale or transfer of the facility, the owner must notify the purchaser that there is underground piping and that registration with DEP is required.

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4. By January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 must meet the same requirements that apply to piping installed after that date.

Chapter 491 also delays until 2009 the effective date of the law's requirements for tanks and piping at facilities that are used to store diesel fuel. It also gives the Commissioner of Environmental Protection the authority to approve the use of leak detection methods for underground piping at aboveground oil storage facilities even though the approved method may differ from that required under the board rules for underground oil storage facilities.

**LD 1774**

**An Act To Improve the Water Quality and Safety of Phillips Lake**

**P & S 44  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM MAJ	S-484
HALL	OTP-AM MIN	

LD 1774 proposed to remove the height restriction for the dam at the outlet of Phillips Lake.

**Committee Amendment "A" (S-484)**, the majority report, proposed to provide that a water level regime for Phillips Lake can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

**Committee Amendment "B" (S-485)**, the minority report, proposed to repeal the requirement that the dam at the outlet at the north end of Phillips Lake in the Town of Dedham be constructed, operated and maintained at no higher than 227 feet above sea level and at a width that is no less than the current width of the dam. Committee Amendment "B" was not adopted.

### ***Enacted law summary***

Private and Special Law 2005, chapter 44 provides that a water level regime for Phillips Lake in the Town of Dedham can be established by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, chapter 5, subchapter 1, article 3-A, subarticle 4.

Private and Special Law 2005, chapter 44 was enacted as an emergency measure effective March 30, 2006.

**LD 1777**

**Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management**

**RESOLVE 207  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-545
KOFFMAN		S-623 GAGNON

LD 1777 proposed to direct the Department of Environmental Protection to meet with all interested stakeholders and the Executive Department, State Planning Office and provide a report to the joint standing committee of the

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Legislature have jurisdiction over natural resources matters by January 17, 2007, which may report out legislation to consolidate the management of solid waste in this State under the Department of Environmental Protection.

**Committee Amendment "A" (S-545)** proposed to replace the resolve. The amendment proposed to establish the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in this State.

**Senate Amendment "A" to Committee Amendment "A" (S-623)** proposed to change the funding mechanism for the Blue Ribbon Commission.

### *Enacted law summary*

Resolve 2005, chapter 207 establishes the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in this State.

Resolve 2005, chapter 207 was enacted as an emergency measure effective May 4, 2006.

**LD 1792**

### **An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats**

**PUBLIC 558**

Sponsor(s)  
MARTIN  
KOFFMAN

Committee Report  
OTP-AM

Amendments Adopted  
S-533

LD 1792 proposed to require that beginning January 1, 2007 manufacturers of thermostats containing mercury that are sold in this State pay a minimum of \$5 for each thermostat containing mercury brought to a state-approved collection site. It also proposed to require that manufacturers of thermostats containing mercury that are sold in this State report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the fees imposed and to the Department of Environmental Protection on the results of the thermostat collection and recycling efforts.

**Committee Amendment "A" (S-533)** proposed to replace the bill. The amendment proposed to require manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It proposed to require the Department of Environmental Protection to develop a manufacturer financial incentive plan and it proposed to ban the sale of all thermostats of a manufacturer that is not in compliance with the law. It also proposed to set goals for the collection and recycling of mercury-added thermostats and to require the department to annually report to the joint standing committee of the Legislature having jurisdiction over natural resources.

### *Enacted law summary*

Public Law 2005, chapter 558 requires manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats. It requires the Department of Environmental Protection to develop a manufacturer financial incentive plan. It bans the sale of all thermostats of a manufacturer that is not in compliance with the law. It sets goals for the collection and recycling of mercury-added thermostats. It requires the department to annually report to the joint standing committee of the



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Legislature having jurisdiction over natural resources matters and it authorizes that committee to report out legislation in connection with the 2007 report.

**LD 1795**

**An Act To Ensure the Long-term Capacity of Municipal Landfills**

**PUBLIC 612**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KOFFMAN	OTP-AM MAJ ONTP MIN	S-539

LD 1795 proposed to authorize a municipality to enter into a contract with a private entity to operate a municipal solid waste facility as long as the municipality controls the decisions regarding the type and source of waste that is accepted and the municipality accepts only waste that is generated within the State. The bill proposed to specify that, upon the sale or transfer of a municipal solid waste facility to a private entity, the license issued by the department for that solid waste facility is terminated. This bill also proposed to ban the disposal in a solid waste facility owned by a municipality of waste that originated outside the State.

**Committee Amendment "A" (S-539)**, the majority report, proposed to replace the bill. It proposed to provide that publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if until January 1, 2007 the facility accepts only waste that is generated within the State. It proposed to provide that "waste that is generated within the State" includes residue and bypass waste generated within the State. It proposed to define "bypass" waste. It proposed to specify that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. It proposed to specify legislative findings.

### ***Enacted law summary***

Public Law 2005, chapter 612 provides that until January 1, 2007 publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if the facility accepts only waste that is generated within the State. It provides that "waste that is generated within the State" includes residue and bypass waste generated within the State. It defines "bypass" waste. It specifies that the department may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity. It specifies legislative findings.

**LD 1802**

**Resolve, To Give the Town of Pownal Additional Time To Comply with the Subdivision Laws**

**RESOLVE 145  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS WEBSTER	OTP-AM	S-470 S-474 COWGER

LD 1802 proposed to provide that a municipality that has adopted a comprehensive plan may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-year period.

**Committee Amendment "A" (S-470)** proposed to replace the bill with a resolve. It proposed to provide that the Town of Pownal may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-

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year period as long as the definition was enacted prior to July 25, 1992 and the municipality filed its definition, which conflicts with the definition of "subdivision" in the Maine Revised Statutes, at the registry of deeds by June 30, 2003 as required by the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1. The purpose of this amendment is to give the Town of Pownal until January 1, 2008 to explore options for establishing a review process for the creation of single residential lots using criteria determined by the town.

**Senate Amendment "A" to Committee Amendment "A" (S-474)** proposed to add to the resolve an emergency preamble and emergency clause, which were inadvertently removed by Committee Amendment "A".

### ***Enacted law summary***

Resolve 2005, chapter 145 provides that the Town of Pownal may enforce an ordinance that defines "subdivision" as the creation of 2 or more lots within a 5-year period as long as the definition was enacted prior to July 25, 1992 and the municipality filed its definition, which conflicts with the definition of "subdivision" in the Maine Revised Statutes, at the registry of deeds by June 30, 2003 as required by the Maine Revised Statutes, Title 30-A, section 4401, subsection 4, paragraph H-1. The purpose of this amendment is to give the Town of Pownal until January 1, 2008 to explore options for establishing a review process for the creation of single residential lots using criteria determined by the town.

Resolve 2005, chapter 145 was enacted as an emergency measure effective March 28, 2006.

**LD 1840**

**Resolve, To Study the Recycling of Cellular Telephones**

**RESOLVE 144**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABBIDGE	OTP-AM	H-800

LD 1840 proposed to require a retail establishment that sells cellular telephones to accept used cellular telephones for reuse, recycling or proper disposal of hazardous parts of the telephone.

**Committee Amendment "A" (H-800)** proposed to replace the bill with a resolve. The amendment proposed to direct the Department of Environmental Protection to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

### ***Enacted law summary***

Resolve 2005, chapter 144 directs the Department of Environmental Protection to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

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**LD 1860**

**An Act Concerning Certain Provisions Regarding Protection of  
Natural Resources Related to Activities in Coastal Areas**

**PUBLIC 548  
EMERGENCY**

Sponsor(s)  
KOFFMAN

Committee Report  
OTP-AM

Amendments Adopted  
H-842

LD 1860 proposed to repeal a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program. It also proposed to clarify certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened by specifying that protective materials may be left in place to shore up a structure no more than 18 months and by providing that actions taken to strengthen structures must be limited to those necessary to alleviate the imminent threat. Also, the bill proposed to expand the list of those persons authorized to make determinations concerning the integrity of a structure.

**Committee Amendment "A" (H-842)** proposed to clarify the emergency actions a property owner may take without a permit when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also proposed to provide standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also proposed to add an emergency preamble and clause.

### ***Enacted law summary***

Public Law 2005, chapter 548 clarifies certain emergency actions that may be taken without a permit, if specified criteria are met, when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also provides standards for approval by the Department of Environmental Protection of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened. It also repeals a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program.

Public Law 2005, chapter 548 was enacted as an emergency measure effective April 6, 2006.

**LD 1888**

**An Act To Amend Certain Laws Administered by the Department  
of Environmental Protection**

**PUBLIC 561**

Sponsor(s)  
KOFFMAN  
COWGER

Committee Report  
OTP-AM

Amendments Adopted  
H-801  
H-920 KOFFMAN

LD 1888 proposed to make several changes to the laws administered by the Department of Environmental Protection. It proposed to:

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1. Amend the Maine Revised Statutes to remove a rule-making requirement related to identification of invasive aquatic species;
2. Amend erosion control standards in the quarry and gravel pit laws regarding externally drained areas, working pits, and reclaimed and unreclaimed areas;
3. Allow funds allocated to the Maine Coastal and Inland Surface Oil Clean-up Fund to be used for research related to inland oil spills;
4. Amend the law governing the siting of underground oil storage facilities to clarify that the owner of an abandoned underground oil facility may not make use of the statutory exemption allowing expansion of existing facilities within 1,000 feet of a public drinking water supply or 300 feet of a private drinking water supply; and
5. Streamline the manufacturer reporting requirements under the law governing recycling of televisions and computer monitors, and to allow sales figures reported to the Department of Environmental Protection by electronics manufacturers to be kept confidential.

**Committee Amendment "A" (H-801)** proposed to correct the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal. The amendment also proposed to clarify the amount of payment required by automobile manufacturers for mercury switches brought to consolidation facilities.

**House Amendment "A" to Committee Amendment "A" (H-909)** proposed to amend Committee Amendment "A". Committee Amendment "A" proposed to require automobile manufacturers to pay a minimum of \$4 for mercury switches brought to consolidation facilities if the vehicle identification number of the source vehicle is provided and a minimum of \$3 for mercury switches brought to consolidation facilities if the vehicle identification number of the source vehicle is not provided. This amendment proposed to retain until 45 days after the effective date of the legislation the requirement that manufacturers pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number and specifies that, after that time, if the vehicle identification number is not provided, no payment is required. House Amendment "A" was not adopted.

**House Amendment "B" to Committee Amendment "A" (H-920)** proposed to amend Committee Amendment "A". Committee Amendment "A" proposed to require automobile manufacturers to pay a minimum of \$4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided and a minimum of \$3 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is not provided. This amendment proposed to retain until 45 days after the effective date of the legislation the requirement that manufacturers pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.

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### ***Enacted law summary***

Public Law 2005, chapter 561 does the following. It:

1. Amends the section of law dealing with aquatic nuisance species control (Title 38, section 410-N, subsection 1, paragraph B) to remove a rule-making requirement related to identification of invasive aquatic species;
2. Amends the erosion control standard in the quarry and gravel pit laws. It requires all areas that are externally drained, other than working pits, to meet the standards of the erosion and sedimentation control law. It also requires that working pits must be naturally internally drained unless a variance is granted;
3. Adds a definition of "working pit" to the quarry law that is similar to the definition of "working pit" in the gravel pit law;
4. Allows allocated funds in the Maine Coastal and Inland Surface Oil Clean-up Fund to be used for research related to the impact of inland oil spills;
5. Amends the law governing the siting of underground oil storage facilities. Current law prohibits new underground oil storage facilities from being installed within 1000 feet of a public drinking water supply or 300 feet of a private drinking water supply. There are also exemptions to that prohibition. Chapter 561 provides that an existing underground facility would not be able to expand and an existing aboveground facility would not be able to be converted to an underground facility when the facility is within the setback limits if the facility has been out of service for more than 12 consecutive months, unless the commissioner has approved an application that allows the facility to remain temporarily out of service for a longer period;
6. Clarifies that aboveground oil storage facilities are permitted by the Office of the State Fire Marshal;
7. Allows sales figures reported to the Department of Environmental Protection by electronics manufacturers under the Electronic Waste law to be kept confidential;
8. Makes changes to manufacturers' plans and reporting requirements under the Electronic Waste law. It changes the date by which manufacturers must implement the collection plan. It removes certain specified information that under current law must be included in the manufacturer's plan and annual report;
9. Amends an incorrect statutory reference. It amends Public Law 2003, chapter 227, section 9 to change a statutory reference from Title 38, section 470-E to Title 38, section 470-H. Title 38, section 470-E has been repealed. The subject of Title 38, section 470-E, which addresses rulemaking related to water use standards, is now addressed by Title 38, section 470-H;
10. Corrects the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal; and
11. Requires automobile manufacturers to pay a minimum of \$4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided. It also requires, until 45 days after the effective date of the legislation, manufacturers to pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.

## *Joint Standing Committee on Natural Resources*

**LD 1925**

**An Act To Protect Maine's Groundwater Resources**

**INDEF PP**

Sponsor(s)  
EDMONDS

Committee Report

Amendments Adopted

LD 1925 proposed to establish a reasonable use rule for groundwater withdrawals and to reject the common law doctrine of absolute dominion. It also proposed to permit a landowner to make any reasonable use of the groundwater underlying the landowner's land and proposed to define "reasonable use."

LD 1925 was indefinitely postponed without reference to committee.

**LD 1937**

**An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford**

**ONTP**

Sponsor(s)  
HOBBINS

Committee Report  
ONTP

Amendments Adopted

LD 1937, a concept draft, proposed to implement the recommendations of the Governor's task force regarding the shutdown of the Maine Energy Recovery Company trash-burning facility in Biddeford.

**LD 1971**

**Resolve, Directing a Review of Cleanup and Minimization Standards for Mold**

**RESOLVE 174**

Sponsor(s)  
CRAVEN

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-887

LD 1971 proposed to require the Department of Environmental Protection to establish by rule standards for the cleanup of mold.

**Committee Amendment "A" (H-887)**, the majority report of the committee, proposed to replace the resolve. The amendment proposed to direct the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a working group to review issues regarding mold in buildings in the State and, by January 1, 2007, to make recommendations to the joint standing committees of the Legislature having jurisdiction over natural resources matters and health matters. It also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation.

### *Enacted law summary*

Resolve 2005, chapter 174 directs the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to convene a working group to review issues

## *Joint Standing Committee on Natural Resources*

regarding mold in buildings in the State and, by January 1, 2007, to make recommendations to the joint standing committees of the Legislature having jurisdiction over natural resources matters and health matters. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation.

**LD 1975**

### **An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil**

**PUBLIC 549**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM    MAJ OTP-AM    MIN	H-843

LD 1975 proposed to increase revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste. The bill proposed to eliminate the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction. The bill proposed to authorize the Board of Environmental Protection to assess a fee for registration of biomedical waste generators. The bill proposed to require the Department of Environmental Protection to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.

**Committee Amendment "A" (H-843)**, the majority report, proposed to incorporate a fiscal note.

**Committee Amendment "B" (H-844)**, the minority report, proposed to exempt municipal and school facilities that generate biomedical waste from the registration fee proposed in the bill. Committee Amendment "B" was not adopted.

#### ***Enacted law summary***

Public Law 2005, chapter 549 increases revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste. It eliminates the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction. It authorizes the Board of Environmental Protection to assess a fee for registration of biomedical waste generators. It requires the Department of Environmental Protection to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.

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<b>LD 1977</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection, Extending the Deadline for the Repeal of the Current Coastal Sand Dune Rules and Convening the Beaches Advisory Group</b>	<b>RESOLVE 175 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-855
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LD 1977 proposed to provide for legislative review of portions of Chapter 355: Coastal Sand Dune Rules, a major substantive rule of the Department of Environmental Protection.

**Committee Amendment "A" (H-855)** proposed to authorize the final adoption of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specific changes are made to the rule. The amendment also proposed to change the date that the current coastal sand dune rules are repealed in order to provide the Department of Environmental Protection the necessary time to finally adopt the rules authorized by this resolve. The amendment also proposed to direct the Executive Department, State Planning Office, Maine Coastal Program, with the Department of Environmental Protection and the Department of Conservation, Maine Geological Survey, to convene the Beaches Advisory Group.

### ***Enacted law summary***

Resolve 2005, chapter 175 authorizes the final adoption of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specific changes are made to the rule. It also changes the date that the current coastal sand dune rules are repealed in order to provide the Department of Environmental Protection the necessary time to finally adopt the rules authorized by this resolve. It also directs the Executive Department, State Planning Office, Maine Coastal Program, with the Department of Environmental Protection and the Department of Conservation, Maine Geological Survey, to convene the Beaches Advisory Group.

Resolve 2005, chapter 175 was enacted as an emergency measure effective April 10, 2006.

<b>LD 1981</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 335: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Environmental Protection</b>	<b>RESOLVE 183 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-883
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LD 1981 proposed to provide for legislative review of portions of Chapter 335: Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection.



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**Committee Amendment (H-883)** proposed to authorize final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. The amendment also proposed to provide an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also proposed to require the Department of Environmental Protection to report on the implementation of the significant wildlife habitat rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2009 and it proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

### ***Enacted law summary***

Resolve 2005, chapter 183 authorizes final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. It also provides an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also requires the Department of Environmental Protection to report on the implementation of the significant wildlife habitat rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2009. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

Resolve 2005, chapter 183 was enacted as an emergency measure effective April 12, 2006.

**LD 2035**

**An Act Regarding Storm Water Program Administration**

**PUBLIC 602**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-879  
S-594 COWGER

LD 2035 proposed to establish an annual fee of up to \$300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also proposed to direct the Department of Environmental Protection to modify the general permit for industrial storm water discharges to include publicly owned facilities by January 1, 2008. It also proposed to amend the rule-making provision in the law regulating storm water management to provide that rules adopted pursuant to that law are routine technical rules rather than major substantive rules.

**Committee Amendment "A" (H-879)** proposed to replace the bill, except that it retained the provision of the bill that proposed to establish an annual fee for a general permit for industrial storm water discharges. The amendment would allow municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this amendment. It proposed to designate storm water rules as routine technical rules except for rules that are state mandates and it proposed to designate certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It also proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over

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natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program.

**Senate Amendment "A" to Committee Amendment "A" (S-594)** proposed to allow the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

### ***Enacted law summary***

Public Law 2005, chapter 602 establishes an annual fee of up to \$300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It also allows municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the Department of Environmental Protection adopts after the effective date of this legislation. It designates storm water rules as routine technical rules except for rules that are state mandates and it designates certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on what, if any, activities or standard industrial codes should be added to the industrial storm water program. It also allows the Department of Environmental Protection, if rules are enacted or amended that will significantly alter a plan for development that has already received a permit, to require the permittee to comply with the rules that were in effect at the time the permit was issued and, if practicable, additional requirements in the new or amended rules.

**LD 2037**

**Resolve, Regarding Source Water Protection Recommendations**

**RESOLVE 140**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 2037 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It proposed to direct the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. The bill also proposed to direct the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also proposed to provide the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

### ***Enacted law summary***

Resolve 2005, chapter 140 was reported out by the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It directs the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish a process to allow public comment on recommendations described in a report dated February 2006 and submitted to the Joint

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Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29. It also directs the program to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters that includes subsequent recommendations, takes into account coordination between water quantity and water quality and includes any necessary draft legislation. It also provides the joint standing committee of the Legislature having jurisdiction over natural resources matters the authority to report out legislation regarding the recommendations to the First Regular Session of the 123rd Legislature.

**LD 2043**

**An Act To Further Reduce Mercury Use and Emissions**

**PUBLIC 590**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DUCHESNE	OTP-AM	S-561

LD 2043 proposed to reduce the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. The bill also proposed to require that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008.

**Committee Amendment "A" (S-561)** proposed to remove the requirement in the bill that a mercury reduction plan contain information related to the mercury generated by an emission source. The amendment also proposed to provide that the Department of Environmental Protection may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

### ***Enacted law summary***

Public Law, chapter 590 reduces the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. It also requires that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008. It also provides that the Department of Environmental Protection may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

**LD 2070**

**Resolve, To Ensure the Availability of Public Drinking Water Supplies**

**RESOLVE 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON BOWLES	OTP-AM	S-562

LD 2070 proposed to provide that water use standards adopted by the Board of Environmental Protection, as applied to authorized water resources of water utilities in the State, must be based on the sustainable yield of such resources as determined by the drinking water program of the Department of Health and Human Services.

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**Committee Amendment "A" (S-562)** replaced the bill with a resolve that proposed to direct the Department of Environmental Protection to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. The amendment also proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

### ***Enacted law summary***

Resolve 2005, chapter 190 directs the Department of Environmental Protection to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 123rd Legislature.

**LD 2071**

**An Act To Increase Wetland Protection**

**PUBLIC 592**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-949

LD 2071 proposed to add a requirement providing that projects qualifying for Tier 1 wetland review must meet the habitat standards under the Maine Revised Statutes, Title 38, section 480-D, subsection 3. The bill also proposed to change the permit processing period for an application for Tier 1 activities from 30 days to 45 days. It also proposed to allow the Department of Environmental Protection to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located.

**Committee Amendment "A" (H-949)** proposed to require the Department of Environmental Protection to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.

### ***Enacted law summary***

Public Law, chapter 592 adds a requirement that projects qualifying for Tier 1 wetlands review must meet the habitat standards under the Maine Revised Statutes, Title 38, section 480-D, subsection 3. It changes the permit processing period for an application for Tier 1 activities from 30 days to 45 days. It allows the Department of Environmental Protection to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located. It requires the Department of Environmental Protection to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.

## *Joint Standing Committee on Natural Resources*

**LD 2090**

**Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife**

**RESOLVE 208  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-983
	OTP-AM    MIN	

LD 2090 proposed to provide for legislative review of portions of Chapter 10: Significant Wildlife Habitat, a major substantive rule of the Department of Inland Fisheries and Wildlife.

**Committee Amendment "A" (H-983)**, the majority report, proposed to direct that the rule be amended to provide that the definition of "shorebird coastal feeding area" include a zone of 250 feet around the feeding area. This amendment would make the rules of the Department of Inland Fisheries and Wildlife and the rules of the Department of Environmental Protection regarding significant wildlife habitat consistent with each other.

**Committee Amendment "B" (H-984)**, the minority report, proposed to direct that the rule be amended to provide that the definition of "shorebird coastal feeding area" include a zone of 250 feet around the feeding area. This change would make the rules of the Department of Inland Fisheries and Wildlife and the rules of the Department of Environmental Protection regarding significant wildlife habitat consistent with each other. The amendment also proposed to require that rules adopted by the Department of Inland Fisheries and Wildlife that define habitat for species appearing on the official state or federal lists of endangered and threatened species and high and moderate value travel corridors are major substantive rules. Committee Amendment "B" was not adopted.

### ***Enacted law summary***

Resolve 2005, chapter 208 provides for legislative review of portions of Chapter 10: Significant Wildlife Habitat, a major substantive rule of the Department of Inland Fisheries and Wildlife. It also directs that the rule be amended to provide that the definition of "shorebird coastal feeding area" includes a zone of 250 feet around the feeding area in order to make the rules of the Department of Inland Fisheries and Wildlife and the rules of the Department of Environmental Protection regarding significant wildlife habitat consistent with each other.

Resolve 2005, chapter 208 was enacted as an emergency measure effective May 4, 2006.